

United States Senate

WASHINGTON, DC 20510

May 9, 2016

Mr. Shawn M. Garvin
Regional Administrator
U.S. EPA Region III
1650 Arch Street – Mail Code: 3RA00
Philadelphia, PA 19103-2029

Dear Administrator Garvin:

We write on behalf of a Virginia business, Oyster Company of Virginia, LLC, which has developed a model for capturing the quantitative benefits of water column oyster aquaculture for nutrient reduction, the In-Situ Nutrient Remediation Program (ISNRP). The Chesapeake Bay Program has been evaluating this aquaculture method as a potential nutrient reduction best management practice, yet recent developments indicate many more months of review. For reasons noted below, this business wishes to stress the importance of swifter action.

A longstanding challenge in Chesapeake Bay watershed restoration has been establishing a viable means to translate oyster aquaculture into a reliable, measurable mechanism for nutrient reduction. State and federal agencies have been studying this issue for some time. We understand that the quantifiable nature and degree of nutrient assimilation in oyster tissue and shell for water column oyster aquaculture – the respective bases of ISNRP nutrient credit generation – have been upheld by the Chesapeake Bay Program's Science and Technical Advisory Committee in 2013 and by the Virginia Department of Environmental Quality in 2015 (with certification of the ISNRP). Despite these affirmations, the Oyster BMP Expert Panel formed last summer is reviewing the issue further.

We fully support all due scientific analysis of Chesapeake Bay water quality measures. However, we would also emphasize the need for timely eligibility determinations for such practices, given their importance for time-sensitive business decisions and compliance with federal and state water permits. We would appreciate any update you could provide as to status and timing of this determination, as well as all feasible speed in reaching a final decision. Please feel free to reach out to my staff members Caitlin Runyan (Warner 202-224-0305) or Nick Barbash (Kaine 202-224-0074) if you would like to provide additional information.

Thank you for your attention to this matter.

Sincerely,



Mark R. Warner
U.S. Senator



Tim Kaine
U.S. Senator